

### **REMARKS**

By way of this Amendment, Applicant has amended claim 1 to distinguish over the cited references and put the present application in condition for allowance. Applicant has amended claim 12 to improve readability. Applicant has canceled claim 13.

This Amendment was previously filed on February 27, 2007. In response to the Amendment, the Examiner mailed an Advisory Action on March 16, 2007. The Examiner stated that the proposed claim amendments were not entered because they raised new issues that would require further consideration and/or search. Accordingly, Applicant is hereby resubmitting the claim amendments and remarks along with a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

### **Rejection of Claims 1, 2 and 7-14 under 35 USC §102(b)**

Claims 1, 2 and 7-14 were rejected under 35 USC §102(b) as being anticipated by Solem et al. (USPN 6,210,432). The Examiner asserts that Solem et al. provides a cover sheet that is selectively retracted thereby exposing the body and allowing the hooks to extend into the adjacent tissue. The Examiner asserts that, as broadly worded, Applicant's amendment fails to distinguish over the method of Solem et al.

In response, Applicant has further amended claim 1 to recite the steps of transluminally advancing the prosthesis into the coronary sinus such that a distal end portion of the prosthesis is in contact with an inner wall of the coronary sinus and actuating a pull wire on the catheter to actively advance at least one tissue anchor on the distal end portion from a retracted position to an extended position.

Solem et al. does not disclose or suggest a method wherein a prosthesis is advanced such that the distal end portion is in contact with the coronary sinus and a pull wire is actuated on the catheter to actively advance at least one tissue anchor on the distal end portion from a retracted position to an extended position. Accordingly, Solem et al. fails to anticipate Applicant's amended claim 1. Dependent claims 2 and 7-12 and 14 include additional features which further distinguish Applicant's claimed invention over Solem et al.

In light of the foregoing amendments and remarks, Applicant respectfully requests the Examiner to withdraw the claim rejections under 35 USC §102(b) as being anticipated by Solem et al.

**Rejection of Claims 1-3, 7, 9, 15 and 17 under 35 USC §102(e)**

The Examiner rejected claims 1-3, 7, 9, 15 and 17 under 35 USC §102(e) as being anticipated by Cohn et al. (USPN 6,890,353). As noted above, Applicant has amended claim 1 to further clarify preferred features of the present invention.

Cohn et al. discloses a method wherein a delivery cannula (109) is retracted to expose distal and proximal anchors (139, 142) on the cinching device (106). Cohn et al. does not disclose a method of actively anchoring a prosthesis wherein the distal end portion of the prosthesis is in contact with the coronary sinus and a pull wire is actuated on the catheter to actively advance at least one tissue anchor on the distal end portion from a retracted position to an extended position. Accordingly, Cohn et al. fails to anticipate Applicant's amended claim 1. Dependent claims 2, 3, 7, 9, 15 and 17 include additional features which further distinguish Applicant's claimed invention over Solem et al.

In light of the foregoing amendments, Applicant respectfully requests the Examiner to withdraw the claim rejections under 35 USC §102(e) as being anticipated by Cohn et al.

**Rejection of Claim 4 under 35 USC §103(a)**

The Examiner rejected claim 4 under 35 USC §103(a) as being unpatentable over Solem et al. in view of Rhee et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 4, which recites additional features, is also distinguishable over the cited references.

**Rejection of Claim 4 under 35 USC §103(a)**

The Examiner rejected claim 4 under 35 USC §103(a) as being unpatentable over Cohn et al. in view of Rhee et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 4, which recites additional features, is also distinguishable over the cited references.

**Rejection of Claims 5 and 19 under 35 USC §103(a)**

The Examiner rejected claims 5 and 19 under 35 USC §103(a) as being unpatentable over Solem et al. in view of Griffith et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, Applicant believes that claims 5 and 19, which recite additional features, are also distinguishable over the cited references.

**Rejection of Claims 5 and 19 under 35 USC §103(a)**

The Examiner rejected claims 5 and 19 under 35 USC §103(a) as being unpatentable over Cohn et al. in view of Griffith et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, Applicant believes that claims 5 and 19, which recite additional features, are also distinguishable over the cited references.

**Rejection of Claim 6 under 35 USC §103(a)**

The Examiner rejected claim 6 under 35 USC §103(a) as being unpatentable over Solem et al. in view of Griffith et al., as applied to claim 5 above, and further in view of Kadhiresan. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 6, which recites additional features, is also distinguishable over the cited references.

**Rejection of Claim 6 under 35 USC §103(a)**

The Examiner rejected claim 6 under 35 USC §103(a) as being unpatentable over Cohn et al. in view of Griffith et al., as applied to claim 5 above, and further in view of Kadhiresan. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 6, which recites additional features, is also distinguishable over the cited references.

**Fees Due to File This Amendment**

Prior to the pending Office Action, a fee was paid for the original 54 claims, with 5 of them being independent claims. The aforementioned amendments have not resulted in more than the original number of claims, and thus no claim fees are believed to be due to file this amendment.

**Petition for Extension of Time to Respond**

Pursuant to 37 C.F.R. 1.136(a), Applicants hereby request an extension of time for **Two Months** to respond to the above-referenced Office Action. The Commissioner is hereby authorized to charge the required fee of \$450.00 to Deposit Account No. 50-1225 (Docket No. PVI-5813CP2CP1 CIP1CON1).

**Conclusion**

In light of the foregoing amendments to the claims and the above remarks, Applicant believes that this application is now in condition for allowance. Should the Examiner have any remaining questions, the Examiner is encouraged to contact the attorney of record at the telephone number shown below.

Respectfully submitted,

April 27, 2007  
Date: \_\_\_\_\_

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